

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

23 DEC -6 PM 2:32

UNITED STATES OF AMERICA

v.


DAVID KATES

CR 321-008-06

O R D E R

Defendant David Kates has filed a motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) based upon Amendment 821 to the United States Sentencing Guidelines. The Court is presently undertaking a review of cases to which Amendment 821 may apply. While the effective date of this amendment is November 1, 2023, a district court may not order retroactive application of Amendment 821 until February 1, 2024, or later, allowing for the necessary and considerable case review. The Court will not entertain motions initiated by federal defendants until after this time for review has passed. Therefore, Defendant's motion for reduction of sentence (doc. no. 966) is **DISMISSED WITHOUT PREJUDICE**. If Defendant is eligible for a sentence reduction upon retroactive application of Amendment 821, the Court will consider whether a reduction is appropriate *sua sponte*.

ORDER ENTERED at Augusta, Georgia this 6<sup>th</sup> day of December, 2023.

  
UNITED STATES DISTRICT JUDGE